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MS AF  
RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2612

PATENT  
0879-0228P

Handwritten: #11, 1-21-04, P2

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Atsushi KANAYAMA Conf.: 7491  
Appl. No.: 09/273,726 Group: 2612  
Filed: March 22, 1999 Examiner: TILLERY, RASHAWN N  
For: POSITION DETERMINING DEVICE

**RECEIVED**

JAN 15 2004

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Technology Center 2600

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 12, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated **August 12, 2003** of the Primary Examiner finally rejecting claims **4-12**.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of **two (2)** month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of **\$420.00** is required for the full period of the above-requested extension of time.

☐ An extension of \_\_\_\_\_ ( ) month(s) for responding to the Final Rejection was previously requested and paid for on \_\_\_\_\_. Thus a fee of \$0.00 is required to obtain an additional \_\_\_\_\_ ( ) month(s) for filing the Notice of Appeal.

01/13/2004 MGE BREM1 00000066 09273726

01 FC:1401  
02 FC:1252

330.00 OP  
420.00 OP

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$330.00

☐ Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$750.00.

Payment of the above TOTAL FEE is being made in the following manner:


☒ Check(s) in the amount of \$750.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181

  
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(Rev. 09/30/03)